IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4300 of 2005

Between:

1 P.J.V.Chakrapani, s/o P.Purushotham,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
2 P.J.V.Sarathpani, s/o P.Purushotham,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
3 P.J.V.Manipani, s/o P.Purushotham,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
4 P.J.V.Arunpani, s/o P.Purushotham,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
5 P.J.V.Anandapani, s/o P.Purushotham,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
6 P.Hemanthkumar, s/o Daniel,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
7 P.Jejkumar, s/o Daniel,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
8 P.Samuel, s/o P.Pullaiah,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.
9 P.Pushkara Rao, s/o Pullaiah,
r/o Yetapaka Village, Bhadrachalam Mandal, Khammam District.

..... PETITIONERS

AND

1 The Commissioner for Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
2 The Director of Settlement, Andhra Pradesh, Hyderabad.
3 The Sub Collector & Settlement Officer, Bhadrachalam, Khammam District.
4 The Mandal Revenue officer, Bhadrachalam, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ of certiorari or any other appropriate writ, order or direction calling for the records connected with the order of the 1st respondent passed in Proc.No.L1/345/2004 dated 16-10-2004 confirming the orders passed in Proc.No.11/169/2004 dated 12-05-2004 and quash the same by directing the respondents to grant ryotwari patta to the petitioner in respect of the lands admeasuring Ac.15.00 cents in Survey No.136/P (OS No.54/132 and 117/1) situated at Yetapaka Village, Bhadrachalam Mandal, Khammam District.

Counsel for the Petitioners: MR.K.MANIKYALA RAO

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court, at the admission stage, made the following :

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ORAL ORDER:

This writ petition is filed challenging the order, dated 16.10.2004 in Proceedings No.L1/345/2004 issued by the 1st respondent and to quash the same.

The primary Tribunal i.e. the 3rd respondent-Settlement Officer, Venkatapuram Unit, Bhadrachalam has taken up *suo motu* enquiry under Section 9 of Regulation 2 of 1970 for grant of Ryotwari patta in respect of the scheduled lands of an extent of Ac.16.00 cents

(Hc.06.40 ares). One Pondi Sammuel who is the 8th petitioner herein is the claimant in the proceedings of the Settlement Officer, in Case No.5314, dated 4.11.1977. The writ petitioners except the 8th petitioner are not parties in the said proceedings. The claimant succeeded to an extent of Hc.00.40 ares out of Hc.06.40 ares in Survey No.136 of Yetapaka village. Since the claimant did not produce any recorded evidence and documents, his claim for the remaining extent of Hc.06.00 ares was disallowed. Challenging the same the claimant-8th petitioner herein filed an appeal before the 2nd respondent-Director of Settlements, Hyderabad in A.P.No.282 of 1979, dated 23.3.1983 and that appeal was rejected as time barred. Thereafter, on 16.10.2004, the writ petitioners filed a Review Petition which was also dismissed on the ground that the petitioners did not file any additional documents to admit the Review Petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Social Welfare and perused the material on record.

Admittedly, the petitioners except the 8th petitioner, are not parties either in the proceedings of the Settlement Officer in Case No.5314, dated 4.11.1977 or in A.P.No.282 of 1979 on the file of the Director of Settlements. They have no *locus standi* to challenge those orders since they are not parties. If the petitioners are in possession of the property, it is for them to establish their title in the competent forum.

The writ petition is devoid of merit and is accordingly dismissed at the stage of admission. However, it is left open to the petitioners to avail all the remedies as may be available under law. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

9th March, 2005

bcj

To

1 The Commissioner for Appeals, Office of the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad.
2 The Director of Settlement, Andhra Pradesh, Hyderabad.
3 The Sub Collector & Settlement Officer, Bhadrachalam, Khammam District.
4 The Mandal Revenue officer, Bhadrachalam, Khammam District.

5 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies